

MINUTES of the meeting of the **ENVIRONMENT & TRANSPORT SELECT COMMITTEE** held at 1.30 pm on 10 December 2012 at Committee Room C, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Thursday, 10 January 2013.

Elected Members:

* Mr Steve Renshaw (Chairman)
* Mr Mark Brett-Warburton (Vice-Chairman)
A Mr Victor Agarwal
A Mr Mike Bennison
* Mr Stephen Cooksey
A Mr Chris Frost
* Mrs Pat Frost
* Simon Gimson
A Mr David Goodwin
A Mrs Frances King
* Mr Geoff Marlow
* Mr Chris Norman
* Mr Tom Phelps-Penry
* Mr Michael Sydney
* Mr Alan Young
* Mr Steve Cosser

Ex officio Members:

Mrs Lavinia Sealy, Chairman of the County Council
Mr David Munro, Vice Chairman of the County Council

In attendance

John Furey, Cabinet Member for Transport and Environment

72/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were been received from Mike Bennison, Victor Agarwal, David Goodwin and Chris Frost. Steve Cosser acted as substitute for Mike Bennison.

73/12 DECLARATIONS OF INTEREST [Item 2]

There were no declarations of interests.

74/12 CALL IN: CABINET MEMBER DECISION OF 21 NOVEMBER 2012 [Item 3]

Witnesses:

Frank Apicella, Surrey Highways
John Butcher, County Councillor
David Hollingsworth, Neighbourhood Inspector, Elmbridge

Key points raised during the discussion:

1. The Chairman of the Environment & Transport Select Committee introduced the witnesses and explained how the call-in meeting would be structured. Each witness would be provided with five minutes to provide a statement. The Members who called in the decision would have the opportunity to speak for five minutes between them, and Cabinet Member for Transport and Environment would also have an opportunity to speak for five minutes. The Committee would be able to ask questions after each speaker.
2. The Chairman of the Environment & Transport Select Committee read the following statement:

“As you are all aware, we are here today to consider a call-in of the following Cabinet Member decision:

‘That the Elmbridge Local Committee request for a reduction of the current speed limit on the A245 Stoke Road, Stoke D’Abernon, from its existing 40 mph, to 30 mph, between the existing 30 mph limit near Leigh Hill Road to a suitable point just east of the Chelsea Football Club training ground, not be endorsed.’

I would like to make clear from the outset that this call-in will not be considering the actual decision-making process and I will now set out the reasons for this.

It has been brought to my attention that concerns have been raised as to whether the Cabinet Member has the power to refuse to agree a change in a speed limit that has been requested by a Local Committee. I have been advised by Legal and Democratic Services that this is very much the case.

Under the Scheme of Delegation, the Surrey County Council Constitution grants Local Committees the delegated power to set speed limits on roads in their area. However, the Scheme of Delegation also states quite clearly that the Cabinet Member has the power to determine whether to endorse a speed limit proposed by a Local Committee that is in disagreement with the advice of police and local officers. If the speed limit in such a situation is not endorsed by the Cabinet Member, the speed limit cannot be implemented. The requirement of the Cabinet Member’s endorsement for such a proposal is also detailed in the Council’s Speed Limit Policy.

This was the case with Stoke Road. Elmbridge Local Committee decided that the speed limit should be reduced from 40 mph to 30 mph. However, this is in disagreement with both police and local officers who are of the view that the speed limit should remain at 40 mph. Therefore, the Cabinet Member was required to consider endorsement of the proposed reduced speed limit.

On the 21 November the Cabinet Member decided not to endorse the decision of the Elmbridge Local Committee and it was within his power to do so. The Cabinet Member could have gone against the advice of the police and local officers should he wished, though this would have been in contrast to previous practice that the final endorsement of a speed limit be in agreement with the view of the police and local officers.

On this basis, the process behind the Cabinet Member's decision was sound and will not form part of today's discussion.

The Committee is instead asked to consider quite simply whether they agree or disagree with the Cabinet Member's decision not to endorse the proposed speed limit reduction on Stoke Road. I will shortly ask the Members who called in the decision to make their case and explain to the Committee why they feel the decision should be reconsidered.

Following discussion of the call-in, the Select Committee will be required to decide whether they support the Cabinet Member decision or wish to refer it back for reconsideration. Should the Committee choose the former, then no further action will be taken and the decision will come in to force following today's meeting. Should the Committee choose the latter, the Cabinet Member will be required to reconsider the decision within seven working days of today's meeting."

3. The Members who had called in the Cabinet Member's decision were then invited to speak to the Committee. One Member expressed the view that the road in question was not wide enough to take fast vehicles, and that it was the sole exit point for five residential roads. The other two Members also raised that they felt that a Local Committee was best placed to recognise local circumstances and therefore make appropriate decisions in relation to speed-limits in their areas. It was stated that the decision had been taken on two previous occasions, and that the former portfolio holder for Transport & Environment had informally agreed to lower the speed limit after the Local Committee had approved the change in June 2011. It was noted that the reasons behind this not being implemented were outlined in the papers that accompanied the Cabinet Member's original decision.
4. The Councillor for Elmbridge – Cobham was invited to present his views to the Committee. The Committee were informed that the Member had attended the Cabinet Member's Individual Decision Making meeting on 21 November 2012, and that he felt he had not been given an opportunity to express his views in relation to the decision. The Member stated that he believed the accident statistics were out of date and referred to a traffic incident on 15 November 2012 involving three cars. The Committee was informed that the location of the Chelsea Football Club training grounds created a potential risk, as people tended to congregate around the area. Also highlighted was the location of several allotments close to the road.
5. The Surrey Police representative introduced himself and explained that he was acting as a substitute for Graham Cannon, Police Road Safety and Traffic Officer. The Committee was informed that Surrey Police were first contacted in February 2011 to conduct an average speed assessment of the road in question. Surrey County Council agreed with the assessment and its recommendation a speed limit of 40mph. Following the Local Committee decision in June 2011 Surrey Police drove the route with a representative from Highways in order to further assess the road. Surrey Police reported to the Committee that there had been 4 speed-related collisions on the road in the previous 3 years. They further advised that a speed limit of 30mph was unlikely to

be self-enforcing, and that they would not guarantee that they would be able to allocate the necessary resources to enforce the limit.

6. Surrey Police informed the Committee that the change in speed-limit would require the current repeater signs to be removed. These would not be replaced with new signage, as it was not in line with Government legislation to do so. This would create the effect of removing a visible reminder of the speed-limit to motorists and thus cause additional safety concerns. It was stated that the statistical data indicated that motorists were driving the road at speeds over 30mph currently, though the average speed had been recorded as below 40mph.
7. The Committee queried if the advice by Surrey Police was guided by whether or not it was felt that the limit could be enforced. The Surrey Police representative clarified that it would be a question of managing resources in an appropriate way. It was stated to Committee that Surrey Police were unlikely to enforce the limit as a consequence of resourcing issues; however, they would undertake occasional checks if specifically requested to do so.
8. Members raised a question regarding the impact of reducing the speed limit in relation to motorists' perception of the road. The Surrey Police representative outlined that roads had a natural perceived speed, and that lowering the speed-limit could create the potential to have a reverse effect, causing people to accelerate to a speed they felt comfortable with. It was reiterated that this should be taken into consideration alongside the removal of any visual reminder of the speed-limit.
9. The Surrey Police representative reported to Committee that although they would raise no formal objection to a change in the speed-limit, they would advise against it. Members asked for further clarification on this point. The Surrey Police representative informed the Committee that their standard procedure was only to raise a formal objection in exceptional circumstances.
10. The Committee invited Frank Apicella from Surrey Highway North East Area Team to speak. He outlined a number of improvements that had been implemented along the route which had resulted in a marked effect on the personal injury accident record at the crossroads junction of Blundell Lane and Station Road, which had been regarded as the most dangerous part of the route. The Committee were informed that these improvements had reduced the number of accidents from 15 to zero over the last three years, and that there had been no accidents in 2012 up to August.
11. The Committee was informed that a change in speed-limit would mean that it was necessary to remove two Vehicle Activated Signs, as these could not be re-calibrated to the new speed limit and would need to be used elsewhere. Members challenged the consideration of the cost-implications of this, and stated that this should not be a factor in the case of public safety. It was reiterated that the removal of repeater signs would also remove the visual reminder of the limit to motorists, which could potentially reduce road safety along the route. This would

mean that the area covered by the current 30 mph limit would not be differentiated by signage. The environment of the road did not suggest to drivers that a 30 mph limit was appropriate, and it was therefore likely that drivers would travel at a higher speed as a result. The Committee discussed whether the Local Committee would need to direct further work to alter the character of the road, and the feasibility of implementing this.

12. One Member raised a question as to whether the number of residential properties along the road had been in factor in the advice given by the Local Highways Manager. It was stated that the speed limit policy takes residential properties into account when assessing speed limits.
13. The Cabinet Member for Transport & Environment was invited to speak to the Committee. Officers were asked to confirm that the Cabinet Member was required to undertake the role of arbitrator in the event of a discrepancy between the decision made by a local committee and advice from officers. The Cabinet Member outlined that in this instance he had actively sought further information, as indicated in the Committee papers. This had included a site visit on 15 November, and The Cabinet Member had agreed with officers that the change in speed limit would not be in keeping with the character of the road. It was also stated that the Cabinet Member had undertaken thorough discussions with the Local Member in advance of the Cabinet Member Independent Decision Making Meeting on 21 November.
14. The Committee was informed by the Cabinet Member that he had given consideration to the views of officers, Police and Local Members. It was stated that the reduction in fatalities on the road over the past three years indicated that previous issues had largely been resolved, and that Police advice that they would not prioritise the enforcement of a new speed limit was also taken into consideration.
15. Members questioned whether the Cabinet Member had considered providing a further recommendation to the Local Committee on this occasion, as a precedent had been established for this to happen in some instances. The Cabinet Member stated that he had not. One Member raised a question as to whether the Cabinet Member felt that the process of delegation had been correct in the case of the decision. The Committee was informed that the Cabinet Member felt that there was a need for an independent view on such occasions where the decision by local committees and advice from officers and police had been different.
16. The Chairman provided a brief summary of the views presented at the meeting, and asked the Committee to consider whether any new information had been provided that would suggest the Cabinet Member decision had been incorrect. A vote was taken, 7 to 3 in favour, that the Select Committee resolve to support the call-in and refer the Cabinet Member decision back for reconsideration.

Resolved:

That the Select Committee refers the decision of the Cabinet Member, made on 21 November 2012, not to endorse the Elmbridge Local Committee's request for a reduction of the current speed limit on the A245, Stoke Road, Stoke D'Abernon, from its existing 40 mph, to 30 mph, between the existing 30 mph limit near Leigh Hill Road to a suitable point just east of the Chelsea Football Club training ground, back to the Cabinet Member for reconsideration.

75/12 DATE OF NEXT MEETING [Item 4]

It was noted that the next meeting of the Committee would be at 10.00am on 10 January 2013.

Meeting ended at: 3.30 pm

Chairman